



Judicial Conduct Commission Annual Report

Fiscal Year 2016-2017

Commission Members

Stephen D. Wolnitzek, Chair
Covington

Judge Janet L. Stumbo
Prestonsburg

Judge Eddy Coleman
Pikeville

Judge David P. Bowles
Louisville

Joseph D. Adams
Bardstown

Michael A. Noftsgier
Somerset

Alternate Members

R. Kent Westberry
Louisville

Judge Jeff S. Taylor
Owensboro

Judge Mitch Perry
Louisville

Judge Karen A. Thomas
Newport

Commission Staff

Ms. Jimmy Shaffer
Executive Secretary

J. Rachel Noyes
Executive Assistant

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

Judicial Conduct Complaints:

In the 2016-2017 fiscal year, the Commission considered 316 complaints. The Commission concluded 298 complaints, eighteen of which resulted in imposed sanctions:

- **Five Private Admonitions**
- **Three Private Reprimands**
 1. [September 7, 2016](#) - Violation of Canon 3B(8).
 2. [April 5, 2017](#) - Violation of Canons 1 and 2A
 3. [June 13, 2017](#) - Violation of Canon 3B(4).
- **Five Public Reprimands**
 1. [Judge Gregory Popovich](#) - Violation of Canons 1, 2A, and 3B(4).
 2. [Judge Shan Embry](#) - Violation of Canons 1, 2A, 3B(4),(7) and (8).
 3. [Judge Timothy Philpot](#) - Violation of Canons 2D, 3, and 3B(11).
 4. [Judge Ronnie Dortch](#) - Violation of Canons 1, 2A, 3B(7), and 3E(1).
 5. [Judge Jennifer Leibson](#) - Violation of Canons 1 and 2A.
- **Four Suspensions**
 1. [Judge Olu Stevens](#) - 90-day Suspension without pay for violation of Canons 1, 2A, 3B(4),(5),(9), and 4A(1),(2).
 2. [Judge Vernon Miniard](#) - 14-day Suspension without pay for violation of Canons 1, 2A, and 3B(7).
 3. [Judge Kathy Stein](#) - 7-day Suspension without pay for violation of Canons 1, 2A, 3B(7) and (8).
 4. [Judge Kathy Stein](#) - 7-day Temporary Suspension with pay immediately followed by a 30-day Suspension without pay, in addition to a due process education requirement for violations of Canons 1, 2A, 3B(7) and (8).
- **One Disability Retirement**
 1. [Judge Lisa Bushelman](#) - Judge Bushelman was retired for disability pursuant to Kentucky Constitution §121, SCR 4.020 *et seq.* and KRS 21.345 *et seq.*, effective September 1, 2016.

Eighteen complaints were pending at the end of the fiscal year. Five were received prior to the end of the fiscal year but too late to be considered in the 2016-2017 fiscal year. Thirteen were carried over after initial consideration.

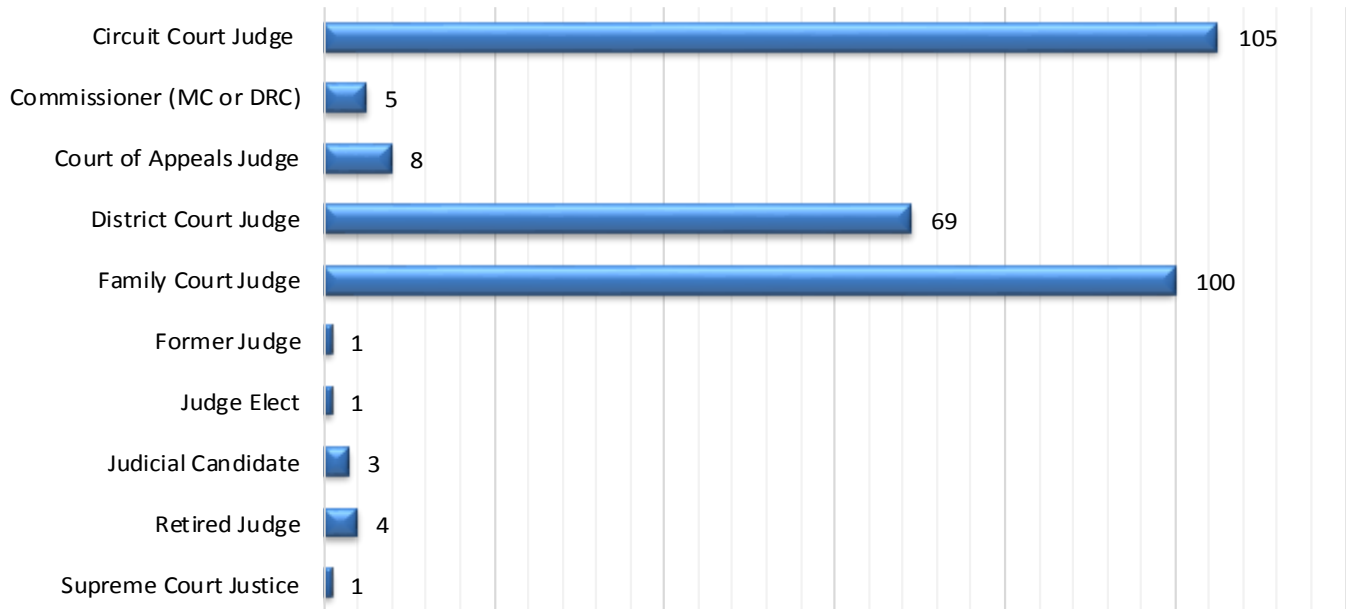
Complaints for FY 2016-2017:

- **15** - Number of complaints pending final consideration at the beginning of the fiscal year.
- **26** - Number of complaints pending initial consideration at the beginning of the fiscal year.
- **275** - Number of new complaints received during the fiscal year.
- **13** - Number of complaints pending final consideration at the end of the fiscal year.
- **5** - Number of complaints pending initial consideration at the end of the fiscal year.
- **298** - Number of complaints disposed of during the fiscal year.

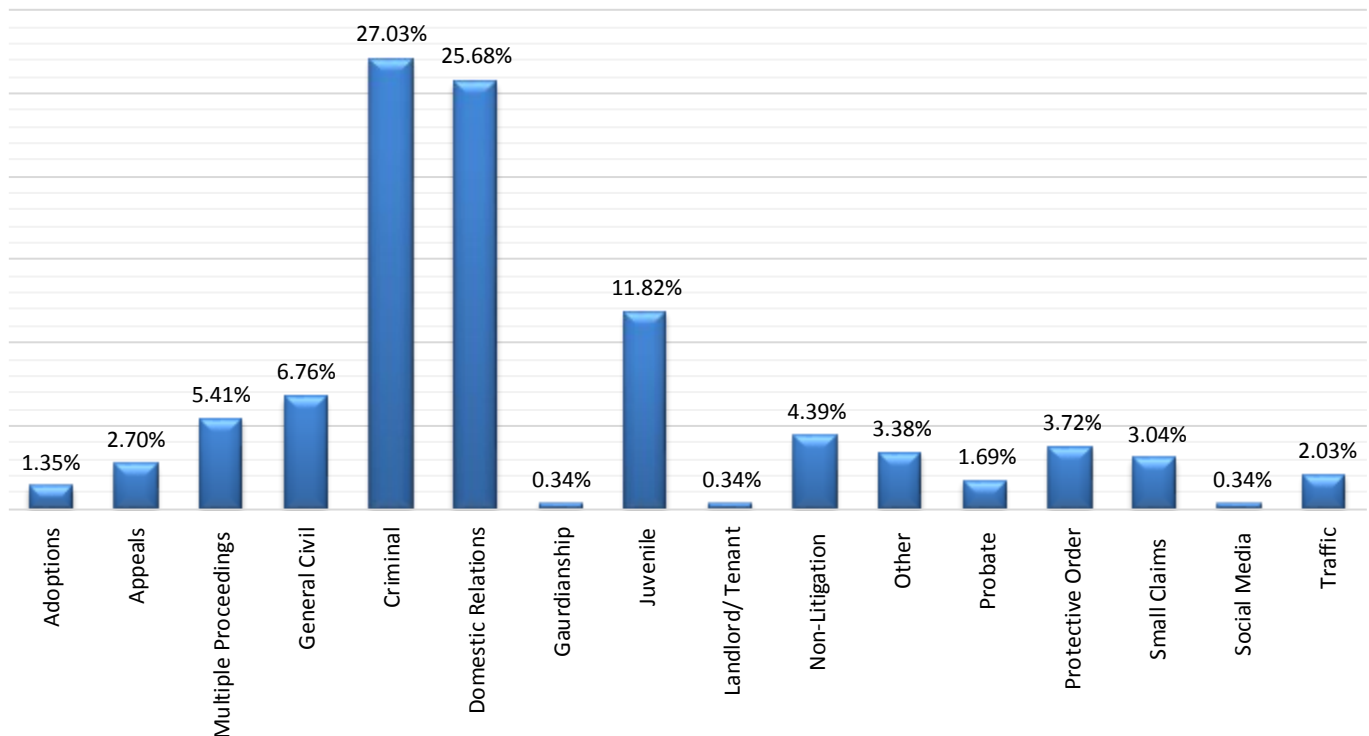
Jurisdiction:

Judicial positions in the Commonwealth of Kentucky within the jurisdiction of the Commission: 7-Supreme Court, 14-Court of Appeals, 95-Circuit Court, 52-Family Court, 116-District Court, 60-Trial Commissioner, 120-Master Commissioner, and 18-Domestic Relations Commissioner. Additionally, the Commission has jurisdiction over attorneys who have filed as candidates for judicial office.

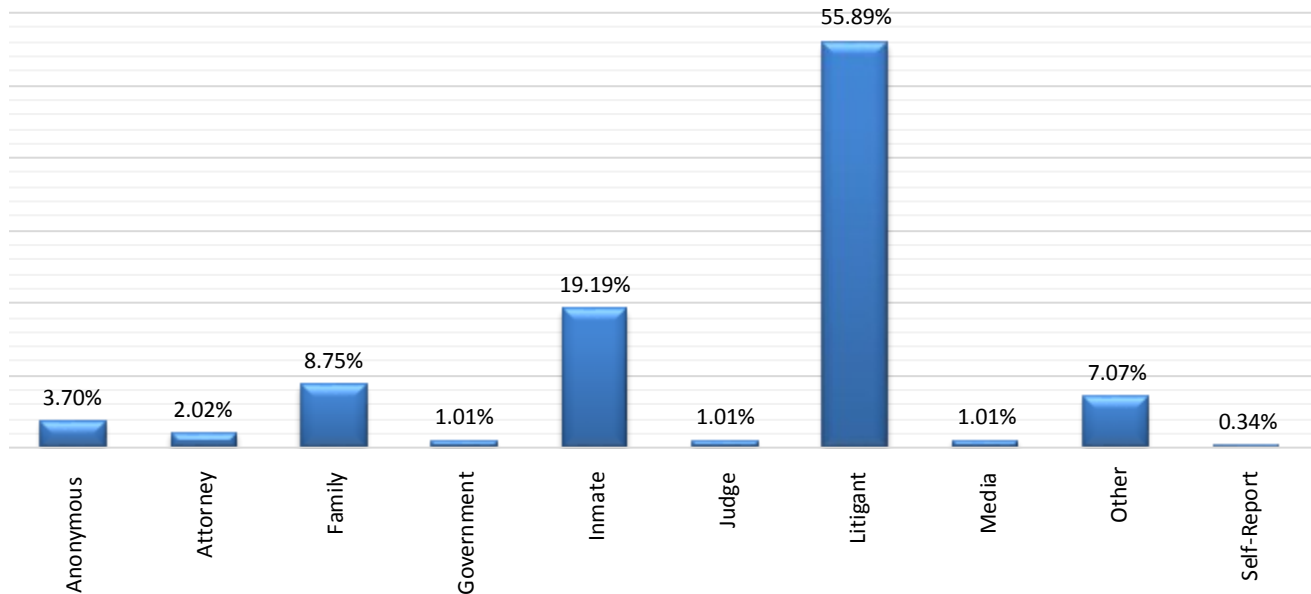
Number of Complaints by Judicial Position:



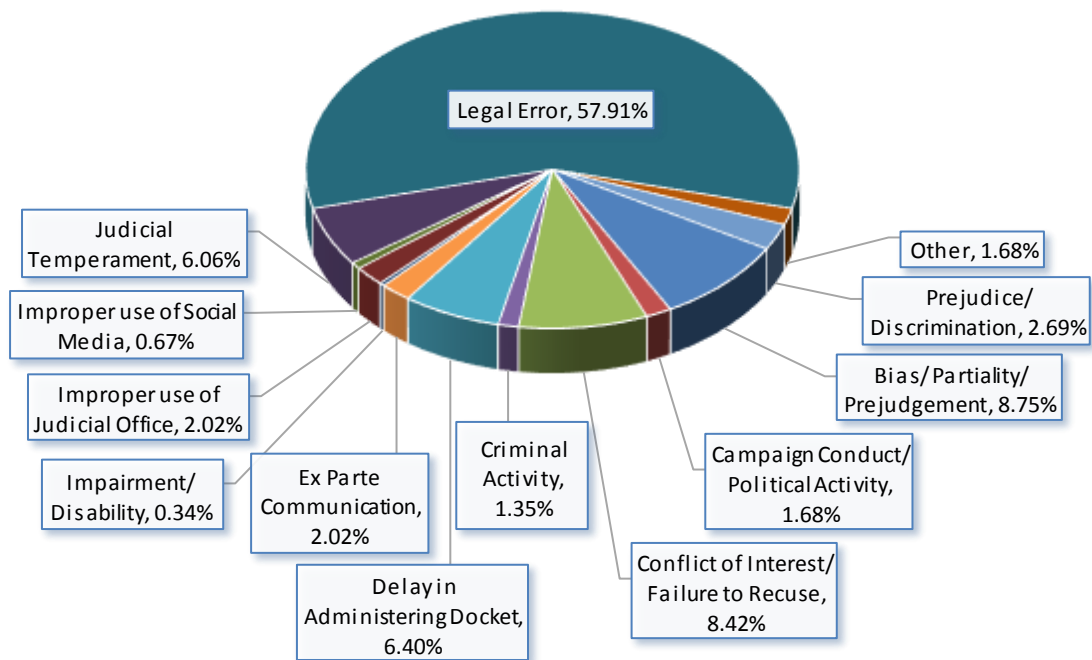
What Types of Proceedings Resulted in Complaints?



Who Filed Complaints?



What were the Allegations?



Complainant Representation in Court:

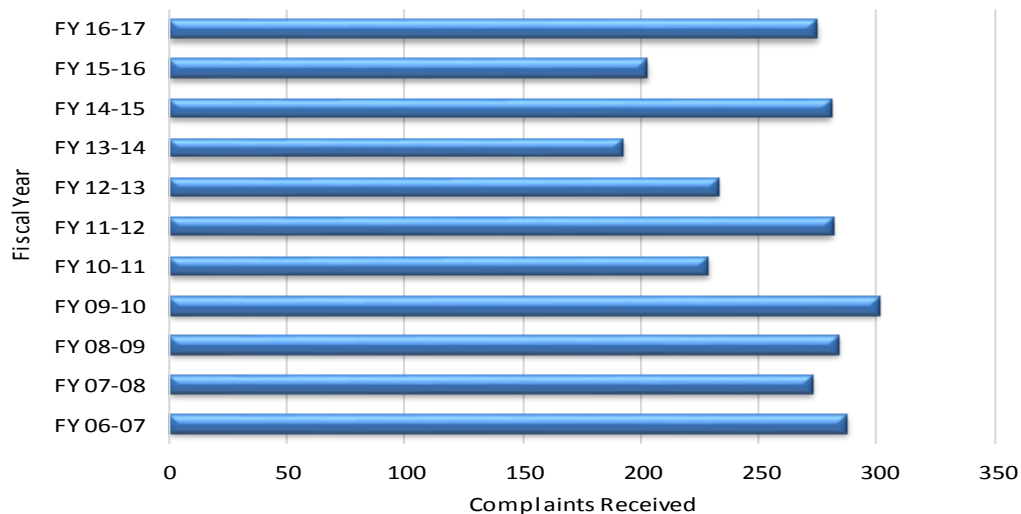
- ◇ 56.90% were represented by counsel
- ◇ 23.23% appeared *pro se*
- ◇ 9.43% unknown (unspecified in the complaint)
- ◇ 8.42% not applicable (non-litigation)
- ◇ 2.02% were represented by counsel, then appeared *pro se*



2016-2017 Presentations:

- **Kentucky Bar Association** - "Can Judges Speak? The First Amendment and the Courts" presented by Judge Jeff Taylor, Mr. Stephen D. Wolnitzek, Mr. R. Kent Westberry, Mr. Jeff Mando, and Ms. Jimmy A. Shaffer, on June 22, 2017.
- **Court of Appeals Education Conference** - Presentation on judicial recusal in Kentucky with emphasis on Canon 3E and KRS 26A.015-020, by Judge Jeff Taylor and Judge Janet Stumbo, on April 25, 2017.
- **Somerset Pulaski Rotary Club** - Judicial Conduct Commission presentation, which covered its purpose, its make-up, how complaints are made, the Canons, and examples of public discipline, presented by Mr. Michael Noftsgen, on March 9, 2017.
- **Office of the Attorney General, Administrative Hearings Branch** - "Never Would I Ever! Strategies to Avoid Pitfalls" presented by Ms. Jimmy Shaffer, on October 28, 2016.
- **District Bar Meetings** - Judicial Conduct Commission presentations, which covered general process information in addition to statistical information, by Judge Janet Stumbo, in Ashland, KY, on September 22, 2016 and in Prestonsburg, on October 20, 2016.

10-Year Complaint History



About the Judicial Conduct Commission

The mission of the Kentucky Judicial Conduct Commission is to protect the public, to encourage judges, commissioners and candidates for judicial office to maintain high standards of conduct, and to promote public confidence in the integrity, independence, competence, and impartiality of the judiciary.

The Commission accomplishes this mission through its investigation of complaints of judicial misconduct, wrongdoing or disability. In cases where judges, commissioners and candidates for judicial office are found to have engaged in misconduct or to be incapacitated, the Kentucky Constitution authorizes the Commission to take appropriate disciplinary action, including issuing admonitions, reprimands, censures, suspensions, or removal from office.

<http://courts.ky.gov/commissionscommittees/JCC/Pages/default.aspx>